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Materials for a Course on Rights

Spring 2005

Hamish Stewart

These materials were prepared solely for the use of student in the Faculty of Law, University of Toronto

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Syllabus and Table of Contents

January 6
No readings.

January 13: Introduction
Amartya Sen, "Rights and Agency" 1

January 20: Rights in Tort Law
Steven Shavell, excerpts from *Economic Analysis of Accident Law* 38
Arthur Ripstein, "Philosophy of Tort Law" 55

January 27: The Right to Freedom of Religion
John Locke, "A Letter Concerning Toleration" 87
Syndicat Northcrest v. Amselem 118

February 3: The Right to Freedom of Expression
R. v. Butler 155
Ronald Dworkin, "Why Must Speech Be Free?" 178
David Dyzenhaus, "Pornography and Public Reason".....188

February 10: Locke
John Locke, excerpts from *Second Treatise* 209

February 17: Reading Week (no class)

February 24 through March 10: Kant

Immanuel Kant, *The Metaphysics of Morals*, Mary Gregor, ed. & trans. (Cambridge: Cambridge University Press, 1996).

Feb. 24: pp. 9-48
March 3: pp. 49-74
March 10: pp. 84-113

March 17 and 24: Dworkin

Ronald Dworkin, *Taking Rights Seriously*, paperback ed. (Cambridge, Mass.: Harvard University Press, 1978).

March 17
"Hard Cases" (pp. 81-130)

March 24
"Taking Rights Seriously" (pp. 184-205) and "What Rights Do We Have?" (pp. 266-278).

[Optional reading: Joseph Raz, "Professor Dworkin's Theory of Rights" (1978) 26 Political Studies 123; Dworkin, pp. 364-8 (reply to Raz).]

March 31 and April 7: Raz

Joseph Raz, excerpts from *The Morality of Freedom* (Oxford: Clarendon Press, 1986).

March 31
"The Nature of Rights" 233
"Right-Based Moralities" 247

April 7
"Liberty and Rights" 259